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SUBJECT: CARTER CENTER BRIEFING ALARMS WESTERN HEMISPHERE
AMBASSADORS

Classified By: Mark A. Wells, A/PolCouns, for Reasons 1.4(b) and (d).

Summary

1. (C) The Carter Center held a briefing on February 10 at the Ambassador's residence for Western Hemisphere ambassadors on the status of the signature verification process at the National Electoral Commission (CNE). Carter Center representatives described the numerous administrative problems (inconsistent guidelines, lack of transparency and clear information, poor decision-making) and the urgent need for decisions to be made by the CNE if there is to be any hope of announcing the results by March 16. Critical to the referendum's survival is the CNE's treatment of the "plana" signature forms filled out (but not signed) in the same handwriting. The ambassadors attending the meeting were alarmed at the prospect that the CNE could toss out enough signatures on a technicality to kill the referendum. End summary.

Carter Center Lays Out Challenges

2. (C) The Carter Center (TCC), in its role as process analyst of the signature collection for the revocatory referendums, in conjunction with the Organization of American States (OAS) gave a short presentation regarding the current situation on February 10. TCC representatives Marcel Guzman and Francisco Diez headed the presentation attended by OAS observer chief Edgardo Reis, OAS country representative Patricio Carbacho, UNDP country representative Antonio Molpeceres, and the Ambassadors from Chile, Argentina, Uruguay, Brazil, Mexico, Canada, and Colombia, plus the Charge from Peru.

3. (C) During the presentation, Guzman stated that the role of the TCC is to evaluate and verify the legality, transparency and the results of the revocatory process. The main strategies to do so consist of procedural analysis, observation of the process, and three different samplings.

4. (C) The TCC concluded that before February 13, the National Electoral Commission (CNE) will make a decision regarding the "planillas planas," forms filled out in the same handwriting. The government alleges that these planillas are proof of mega fraud and should be annulled according to Article 22, which states that this process is intensely personal and the individual should fill out all the information, including biographical information. OAS representative Reis consulted with three independent legal experts who unanimously stated that they could see nothing in the law to invalidate these signatures; however, both the CC and OAS representatives agree that in the end this will be a political decision. Since all three signature drives have large quantities of these "planillas planas," the decision is potentially explosive. Invalidating these planillas will nullify an estimated 650,000 signatures from the presidential drive alone according to Diez. OAS representative Reis confirmed that if these planillas were rejected, there would be no referendum of any sort, not for president or any of the deputies. (Comment: Diez later told Ambassador he was not sure of the exact number of "planas," intimating it could be a much lower number. End comment.)

5. (C) The CC also observed that inconsistencies exist in the rules being used to do the physical verification of the signatures. Those verifying the signatures use methods that are passed out on handouts printed by unknown authors to determine if quality of the fingerprints are acceptable or not. There is no clearly defined leadership and poor communication in the CNE, so erroneous perceptions that are not corrected are leading to bad decisions made by those working on the verifications.

6. (C) The standards used also change as the process

continues. For example, the signatures from each drive are verified in alphabetical order according to state names. Halfway through the second drive (the presidential), CNE workers employed new criteria without proper written authorization. Referral rates to the Superior Technical Committee (CTS) skyrocketed from around 3 percent to 70 percent. OAS rep Carbacho pointed out that during the physical verification process of the presidential planillas, the change in criteria came suspiciously after the count surpassed 2.5 million just over the minimum threshold to convene the referendum. When complaints arose of the CNE's disparate treatment, the board agreed to re-submit the planillas against opposition deputies to the same rigorous examination (Note: On February 11, the CNE board decided to re-submit the presidential planillas that were originally approved back to the physical inspection using the new rules. This will likely result in up to half of the 388,000 presidential planillas being subjected to further scrutiny. End note.)

17. (C) Diez noted that the CNE took a sample of 8,600 planas (3,700 from the presidential) for a handwriting analysis. The OAS estimated that there are not 40 handwriting experts in Venezuela. Even if the signatures under discussion were to be corrected during the five-day complaint period, the process would drag on for months.

18. (C) The Chilean ambassador then suggested that the TCC or the OAS issue an official statement regarding the current situation. The Brazilian Ambassador adamantly seconded this request alluding to the fact that the situation was urgent and the governments of other Latin American countries should have information if they were to take action.

19. (C) Diez backed off, noting that TCC was not suggesting that any government take action; this meeting was called solely to impart information. This included an "optimistic" timeline that shows a potential announcement of the results on March 17, if the CNE continues at its current pace. He made clear that the CC was not implying fraud on behalf of the CNE. The delays to the process until now have not been intentional, rather, they have been caused by administrative inefficiency, lack of planning and guidance, and no clear chain of command or communication. Reis also pointed out that the CC and OAS, as observers, have agreements with the CNE not to issue statements without clearance from the CNE.

Ambassador's Comment

10. (C) What was planned as a routine briefing was a wake up call for these group of ambassadors. The message from the TCC and OAS observers was clear: the decision on the planillas planas will decide whether or not there will be a recall referendum. There is no legal basis for rejecting them. The decision is political. President Chavez cynically told Brazilian foreign policy advisor Marco Aurelio Gomez on February 11 that he would love to have a recall because he would win it, but that he cannot influence the decision of the CNE since it is an independent branch of government. President Carter told the press when he was here in January that the will of the people signing the petitions should not be thwarted by legalisms. My assessment is that is exactly what the pro-Chavez CNE majority intends to do.

SHAPIRO

NOTE: POSSIBLE MISSING ADM AID OR AIDAC CAPTION.

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